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Forget Diplomacy With North Korea if Trump Decertifies the Iran Deal

Reopening the Iran deal risks placing the United States in the middle of two nuclear crises.

By Troy Stangarone

October 07, 2017

One of the most consequential decisions that the United States will make in its efforts to denuclearize North Korea is the pending decision on whether to certify that Iran is in compliance with the nuclear agreement reached during the Obama administration. While the Iran deal may seem unconnected to North Korea on the surface, a decision not to certify that Iran is in compliance could further close the prospect of reaching a negotiated solution with Pyongyang over its weapons programs.

U.S. President Donald Trump has long been an opponent of the nuclear deal with Iran. At the recent UN General Assembly, he called the agreement an **embarrassment**. After the administration certified that Iran was in compliance with the Joint Comprehensive Plan of Action (JCPOA) in July, Trump instructed a **trusted group** of advisors to build a case to not certify Iran's compliance when the next deadline came due on October 15. With the new deadline approaching, Trump has three options. Continue to certify that the Iran is in compliance with its obligations under JCPOA, notify Congress that Iran is no longer in compliance, or notify Congress that remaining in the JCPOA is no longer in the national interest of the United States.

Choosing to notify Congress that Iran is not in compliance is not a viable option since the International Atomic Energy Agency and the other parties to the original P5 +1 agree that Iran is meeting its obligations under JCPOA. U.S. opponents claim that Iran is violating the spirit of the agreement and that the JCPOA is not stringent enough.

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President Trump could choose to ignore Iran's compliance and decertify, but there would be no international support for reapplying sanctions to Iran. Instead, since Trump is against certifying Iran is in compliance, the administration is leaning towards notifying Congress that the agreement is **no longer in the interest** of the United States.

If the administration follows this course, or chooses not to re-certify Iran, the JCPOA would stay in place and the issue would go to Congress which would have 60 days to decide whether to re-impose sanctions on Iran. Should Congress re-impose sanctions, the United States would be in violation of the agreement. At the moment, the administration's plan is to ask Congress not to re-impose sanctions and to use the threat of sanctions and U.S. withdrawal to create pressure on Iran to renegotiate.

While the deal with Iran is not directly tied to any prospective talks with North Korea, how the administration handles the Iran deal will set the broader environment for any talks with North Korea. On a basic level, it will signal that the United States is not a reliable negotiating partner. The United States would not be abrogating the agreement with Iran because Tehran was not living up to its end of the agreement, but rather because the United States was not satisfied with Iran's policies on other matters that were not related to JCPOA. Instead of choosing to engage Iran to resolve concerns over the regime's support for groups like Hezbollah and Hamas, the release of Americans in Iranian prisons, and its ballistic missile program, the United States would be leveraging the current deal to resolve these issues.

For much of the last 30 years, the concern has been that North Korea could not be trusted to keep its end of an agreement, with the **failed Leap Day agreement** the most recent example. However, if the U.S. were to withdraw from the Iran deal it would allow North Korea to credibly argue that any agreement reached with the Trump administration was not worthwhile because a new administration could simply try to force North Korea to renegotiate the agreement to address other issues even if it was in full compliance with the nuclear deal.

Pushing for a revised Iran deal would also indicate that the United States and North Korea are moving farther apart in terms of what might be a mutually acceptable solution. North Korea **previously rejected** an **Iran-style deal** as a means to resolving the dispute over its nuclear program. While there is a good case to be made that North Korea has no interest in a negotiated solution, if one is on the table North Korea would expect better conditions than Iran originally received, something "hawks" in Congress such as Senator Tom Cotton signal would be unacceptable. A more stringent Iran deal would only widen the gap between what the U.S. might offer and what North Korea might accept.

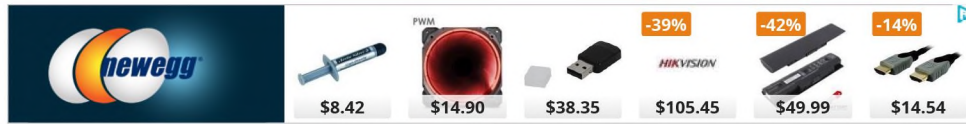
It also pushes back an opportunity. The Trump administration has worked to convince countries to cut their ties with North Korea. Iran's ties with North Korea extend beyond their missile development and suspicions of nuclear cooperation. However, instead of working to build a better relationship with Iran where over time Washington might be able to convince Tehran to **distance itself from Pyongyang**, by taking a path that could lead to the end of the JCPOA the administration only risks pushing North Korea and Iran closer together.

The potential implications of stepping away from the JCPOA extend beyond North Korea. If agreements with the United States are as changeable as administrations, there is little incentive for countries to work with the United States on solving international problems. If the United States were to walk away from the JCPOA it would find itself simultaneously facing two major nuclear crises that require cooperation from Russia and China.

As sanctions on North Korea increase, it is China and its businesses that bear much of the burden of sanctions. If the goal is an enduring denuclearization agreement those are costs worth paying, but if the United States is willing to step away from a deal because a new administration does not like the terms there is little incentive for China, Russia, and other countries to cooperate to maintain or increase sanctions on North Korea. The result would be to only make it harder to use maximum pressure to induce North Korea into talks.

Reopening the Iran deal risks placing the United States in the middle of two nuclear crises, while lessening the ability of the United States to mobilize international support, which is not in the national interest of the United States. Instead of declaring the JCPOA not in the national interest and sending the issue back to Congress, President Trump should channel his concerns over unaddressed issues with Iran into negotiating a more comprehensive agreement with North Korea. However, that will only be possible if the United States is seen as a nation that keeps up its side of a deal.

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Here's one dangerous North Korean weapon that's being overlooked

- North Korea's rapidly advancing nuclear program has captured much of the international community's attention in recent weeks.
- However, too little attention has been paid to one tool North Korea already uses to intimidate its neighbors and evade sanctions – its growing cyber operations.

COMMENTARY

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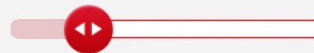
Stocks set to continue win streak

North Korea's rapidly advancing nuclear program and potential capacity to strike the U.S. mainland with a nuclear weapon have captured much of the international community's attention in recent weeks. In less than six weeks, North Korea has launched **two missiles over Japan** and conducted its **sixth nuclear test**. In response, the United Nations Security Council has passed **two resolutions** banning much of North Korea's international trade. However, too little attention has been paid to one tool North Korea already uses to intimidate its neighbors and evade sanctions – its growing cyber operations.

Cyber is particularly appealing for North Korea. While Pyongyang has poured significant resources into its nuclear weapons and missile programs at the expense of its conventional forces, the relatively inexpensive nature of cyber development has provided North Korea with the means to level the playing field against more powerful states. By growing its cyber operations, Pyongyang is able to exploit its asymmetrical advantage against more wired states such as **South Korea** and the United States, as the limited nature of North Korea's own domestic networks leaves it significantly less vulnerable to retaliatory cyberattacks.

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With speculation that the United States could at some point use

[preventative strikes](#) to preclude North Korea from being able to use its nuclear weapons against the United States, South Korea, or Japan, much of the conjecture on North Korea's potential response has been premised on the idea that Seoul's proximity to North Korean artillery mean it would bear the brunt of any North Korean retaliation. Any conflict, [some have said](#), would be over there rather than over here. In fact, that logic is faulty.

In the case of a conflict, North Korea's leader, [Kim Jong Un](#), could very well calculate that attacking South Korea or Japan might escalate into a war that it could not win, especially if the United States successfully eliminated most of Pyongyang's nuclear weapons and delivery systems. For a regime that has spent decades working to ensure its own survival, responding with force would be a grave risk, especially given other options that would continue to ensure the regime's survival – such as cyber operations against the United States. Cyber attacks against U.S. financial institutions or critical infrastructure would not only cause significant financial damage to the United States, it could be seen as a proportional, if not restrained, response on the part of Pyongyang. This would also potentially limit the United States' ability to continue to respond.

How successful might North Korea be if it chooses to utilize cyber attacks against the United States? North Korea has spent years honing its team of cyber warriors through attacks against [South Korean government](#), [financial](#), and [media outlets](#) – they are perhaps most well-known for the attack against Sony Pictures in response to *The Interview*. And while no one has suggested that North Korea was responsible for the recent Equifax hack, the attack highlights the United States' potential vulnerability.

Even in the absence of military action, the United States against North Korea, cyber attacks by Pyongyang are likely to become more common. In recent years, North Korea demonstrated a willingness to use a combination of cyber attacks on banks and ransomware to obtain hard currency, especially as U.S. financial sanctions and UN sanctions have limited North Korea's ability to earn and move hard currency.

North Korea is believed to have been behind the theft of \$81 million from the Bangladesh central bank, attacks on banks in [17 other countries](#), and recent attacks on [Bitcoin exchanges](#) in South Korea. The regime is also suspected in the [WannaCry](#) ransomware attacks earlier this year.

As new UN sanctions limit North Korea's ability earn hard currency, cyber attacks similar to the one on Bitcoin will become increasingly attractive to decision makers in Pyongyang as they search for ways to fund further weapons development.

While North Korea will likely continue to target financial institutions in countries with lax standards in an effort to evade sanctions and avoid stronger responses by the United States, we shouldn't assume that the United States would be safe from a harsh response to a preventative action on North Korea's weapons programs. The attack may just be from cyberspace rather than missiles.

Commentary by Troy Stangarone, the senior director for Congressional Affairs and Trade at the Korea Economic Institute of America. The views expressed here are the author's alone.

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